

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58260 of 2019

Arising Out of PS. Case No.-67 Year-2018 Thana- PARBATTa District- Khagaria

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ROHIT KUMAR Son of Vinay Singh Resident of Village - Naya Gaon,
Birpur Tola, P.S.- Parbatta, Dist.- Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP
For the informant : Mr. Shambhu Saran Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 13-08-2020 The court proceeding has been conducted through
virtual mode.

Heard learned counsel for the petitioner, Mr.
Shambhu Saran Singh, learned counsel for the informant and
Mr. J.N. Thakur, learned APP for the State.

The petitioner has renewed his prayer for bail in a
case registered for the offences punishable under Sections 304B
and 201/34 of the IPC.

The prosecution case as per the written report of
Bharat Kumar Bharat dated 6.3.2018 submitted to the SHO,
Parbatta Police Station is to the effect that the daughter of the
informant was married with the petitioner on 4.5.2017 but



subsequent to the marriage, there was further dowry demand and due to non-fulfillment of the same, torture was inflicted upon her. It is further alleged that on 5.3.2018, the informant's daughter's mobile phone was found switched off when the informant went to the matrimonial house of his daughter, the house was found locked. Thereafter, the neighbors informed the informant that his daughter has been killed and the dead body has been disposed of.

It is submitted by learned counsel for the petitioner that there is no eye witness to the occurrence. The petitioner is languishing in custody since 14.03.2018. Earlier prayer for bail of the petitioner was rejected vide order dated 21.02.2019, passed in Cr. Misc. No. 68894 of 2018 with a direction to the learned trial court to expedite the trial, but till date no witness has been examined and in the present situation created due to pandemic, Covid-19, since the court proceeding in physical mode is not functional, there is no likelihood of the trial being concluded in near future.

Learned counsel for the informant and the State submit that the informant's daughter was killed within one year of the marriage and the thrust of accusation is against the petitioner, being the husband of the victim.



Considering the fact that the petitioner is in custody since about two and half years, but the report of the learned Presiding Officer, F.T.C.-I, Khagariya dated 24.09.2019 reflects that till date no witness has been examined and this fact has not been controverted by learned counsel for the informant and in the present situation, since the court proceeding is not functional in physical mode, there is no likelihood of trial being concluded in near future, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned FTC-I, Khagaria, in Sessions Trial No.286 of 2018, Parbatta P.S. Case No. 67 of 2018.

However, in view of the present pandemic COVID- 19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be



confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned FTC-I, Khagaria, in Sessions Trial No.286 of 2018, Parbatta P.S. Case No. 67 of 2018.

The learned Court below will be at liberty to extend the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

The learned court below will be at liberty to cancel the bail bonds of the petitioner if he defaults for three consecutive occasions during trial.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/Ashwini

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